

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

DUSTIN SWANDA, and  
MALONNIE SWANDA-MORRISON,

Civil No. 10-970 (MJD/JSM)

ORDER

Plaintiffs

v.

JOHN CHOI, INDIVIDUALLY & OFFICIALLY,  
MINNESOTA DEPARTMENT OF PUBLIC SAFETY,  
MINNESOTA STATE PATROL,  
RAMSEY COUNTY AND COUNTY ATTORNEY'S OFFICE,  
BRYAN BEARCE, INDIVIDUALLY & IN HIS OFFICIAL CAPACITY, and  
SARAH LEWIS, INDIVIDUALLY & IN HER OFFICIAL CAPACITY,

Defendants.

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This matter came before the Court on the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated August 8, 2012. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, upon all files, records and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. The State defendants' Motion to Dismiss or in the Alternative for Summary Judgment [Docket No. 77] is **DENIED AS MOOT**.

2. If the plaintiffs and State defendants do not complete their settlement and a Stipulation of Dismissal is not filed, the State defendants may renew their dispositive motion.

Dated: September 6, 2012

*s/Michael J. Davis*  
Chief Judge Michael J. Davis  
United States District Court